

APPROVED

**TOWN OF WESTFORD**

**BOARD OF SELECTMEN**

**MINUTES**

**DATE:** August 17, 2004

**TIME:** 7:30 P.M.

**PLACE:** J.V. Fletcher Library

**PRESENT:** Robert Jefferies, Dini Healy-Coffin, Christopher Romeo,  
Allan Loiselle, James Silva-arrived at 7:37

**OTHERS**

**PRESENT:** Steve Ledoux-Town Manager, Norman Khumalo-Assistant  
Town Manager, Audience Members

**Open Forum**

**One Day License; First Parish Church, Saturday, August 21, 2004 – It was moved by Romeo, seconded by Healy-Coffin, and VOTED 4 IN FAVOR WITH 1 ABSENT (Silva), to approve.**

**Selectmen to Set Special Town Meeting Warrant**

Ledoux reported that Town Counsel is currently reviewing the draft list of warrant articles.

Ellen Rainville, Library Director, asked the Board to place a Resolution on the Warrant protesting the provisions (Sections 215/218) in the Act of Congress called the “Patriot Act” (October 25, 2001). The provisions permit the Federal Government to seize and inspect the library’s records of books borrowed and internet websites consulted without informing the borrower. The request to place the Resolution on the Warrant was made after the deadline for submission of articles. Rainville explained the Resolution which was approved by the J.V. Fletcher Library Board of Trustees on August 2, 2004.

**It was moved by Loiselle, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to make this Resolution Article 1 and make an exception to the deadline for submission of articles.**

Rainville also explained the request for appropriation in the amount of \$6,000 under Article 2 in an effort to meet the State's municipal appropriation requirement. Rainville outlined the formula for the municipal appropriation requirement.

Ledoux will renumber the warrant articles. Ledoux read the list of proposed warrant articles. The Board placed a hold on Articles 9, 10, 15, 16, 17, 18, and 22.

**ARTICLE 9: LAND ACQUISITION, TZIKOPOULOS PROPERTY, TYNGSBORO ROAD**

Ledoux reported that he sent notification to all boards and committees for input regarding this property.

Andrea Peraner-Sweet, Planning Board, stated that a submittal was provided to the Board detailing the property frontage of approximately 980 feet (without engineering) and the potential for four (4) ANR lots and two (2) hammerhead lots. Peraner-Sweet noted that there are wetlands on the property and that the stream would bring into play the Rivers Act which will impact development. Peraner-Sweet pointed out that a Chapter 40B project would have to comply with wetlands bylaws.

Nancy Rosinski, Westford Land Preservation Foundation, felt that the Town should look into exercising its right of first refusal and develop some lots to cover the project with the additional five acres for the Town. Rosinski felt that this could be a Chapter 40B preventative project. Rosinski stated that the Westford Land Preservation Foundation would likely be interested in taking over the assignment of the right of first refusal if the Board decides not to exercise the right.

Khumalo reported that he, the Town Planner and the Town Engineer have worked on a very preliminary plan for this site. Jefferies asked Khumalo to e-mail the plans to him for review.

Romeo reported that the Affordable Housing Committee did not recommend purchase of this property for affordable housing.

Healy-Coffin asked that the article stay on the warrant. Healy-Coffin wanted to see what the Town Planner came up with and noted that the parcel is adjacent to a large parcel of town-owned land.

Diane Holmes, Land Acquisition Oversight Committee, reported that the Committee voted to not exercise the option because other parcels will be coming up that are larger and more significant.

Silva recommended keeping this article on the warrant. Loiselles felt that the Town should wait for the larger parcels.

**It was moved by Loiselles, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to keep Article 9 on the Warrant to keep the Town's options open; to get definitive information; and to have a drop dead date on whether or not to exercise the Town's right of first refusal.**

**ARTICLE 10: CAPITAL REQUESTS, VARIOUS DEPARTMENTS**

Ledoux reported that Free Cash should be certified within a month.

**ARTICLE 15: SPECIAL PERMIT PERFORMANCE STANDARDS**

Romeo did not want this article to be considered as he felt that it was not ready. Romeo had many questions and pointed out that a chart was missing. Romeo felt that the performance standards tied the hands of the Planning Board and the Building Inspector.

Andrea Peraner-Sweet, Planning Board, reminded the Board that at Fall Town Meeting in 2003 there was a debate regarding a traffic petition article. That article was withdrawn and a resolution was passed that the Master Plan Implementation Committee (MPIC) would put together guidelines. Peraner-Sweet pointed out that the MPIC has been working diligently since May on the guidelines. Peraner-Sweet stated that the Planning Board is looking for specific guidelines to evaluate projects for major commercial developments. Peraner-Sweet stated that the Planning Board has not yet opened the public hearing on this article. The Planning Board voted to recommend to the Selectmen the placement of this article on the warrant. Peraner-Sweet stated that the chart would be provided prior to the public hearing.

Jefferies was concerned that the standards would not be reviewed carefully given the size of the document. Jefferies felt that some of the standards were not clearly understandable.

**It was moved by Loiselles, seconded by Silva, and VOTED UNANIMOUSLY, to put Article 15 on the Warrant.**

**It was moved by Loiselles, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to put Article 16, Article 17 and Article 18 on the Warrant.**

**ARTICLE 22: DRAINAGE EASEMENT CHESTNUT HILL ESTATES**

Khumalo reported that Town Counsel had advised that the Town needs to formally act to tie the foundation drains into the Town drainage system. Jefferies stated that the Town has never allowed this to happen before and noted that the Town has no control over what goes into the drainage system. Jefferies questioned why the Town is taking responsibility for a situation that was created by a bad developer and bad engineering. Khumalo stated that this has resulted from a number of discussions regarding the drainage issues.

Khumalo stated that this is the best engineering solution the Town could come up with. Jefferies stated that it sets a bad precedent. Khumalo stated that the drainage will end up on the street and cause icing in the winter. Healy-Coffin agreed with Jefferies and stated that this sets a terrible precedent. Healy-Coffin stated that the developer should be the one to rectify the drainage problems and noted that other developers in the past have had to resolve drainage issues in other developments.

**It was moved by Loiselle, seconded by Healy-Coffin, and VOTED 3 IN FAVOR WITH 2 OPPOSED (Romeo and Silva), to remove Article 22 from the Warrant.**

**It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, in light of the vote, to direct the Assistant Town Manager, the Town Engineer and Town Counsel, to cease work on the sum and substance of this warrant article (Article 22).**

**Adjournment**

**It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to adjourn the meeting at 9:10 p.m.**

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Steve Ledoux, Town Manager

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Robert Jefferies, Chairman

Submitted by Beth A. Kinney, Recording Secretary